REMARKS

A paragraph referencing the foreign application relied on for priority has been added.

The claims have been amended for clarity and to preclude the possibility of some features being interpreted in a closed-ended manner. Claim 7 has been amended to prevent a double-patenting rejection, since claim 7 now depends on claim 2, rather than claim 1. The terminology "buffer length" previously in some of the claims has been broadened to -- buffer capacity --.

Applicants traverse the rejection of claims 1, 3, 4, 10-15, 17, 19-21, 23, 24, 28-33, 35, 37-47, and 51-56 under 35 U.S.C. §102(e) as being anticipated by Sisselman (U.S. Patent Publication 2003/0007079).

The rejections of independent claims 1, 21, 40, and 44 are, on their face, an indication that these rejections are wrong. In each of these rejections, the Office Action alleges that replay command control button 190 generates a saliency signal while the image signal is being produced. Of course, a replay command signal of a camera would not be generated while an image signal is being produced. Replay obviously is performed sometime after an image signal is produced by a camera. A camera user would not activate his/her camera to replay while the camera is being operated to photograph an image and produce an image signal. Consequently, the rejections of independent claims 1, 21, 40 and 44, as well as claims 2-20, 22-39, 41-43 and 45-47 which depend thereon, are incorrect. Of these dependent claims, claims 2, 5-9, 16, 22, 25-27 and 34 are rejected as being unpatentable over Sisselman in view of Fiore et al. (U.S. Patent Publication 2002/0191952). It is apparent that Fiore does not cure the deficiencies of Sisselman.

The anticipation rejection of independent claim 51 inaccurately states that controlling the length of the buffer of Sisselman is based on the number of times a replay button is pressed and is equivalent to controlling the buffer length or buffer capacity controlled in response to a saliency signal. As pointed out in paragraph [0010]

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of the present application as published, a saliency signal is based on the degree of interest shown by a digital camera user in a feature of a scene. Camera replay buttons are typically activated to look at an image immediately after a digital camera has taken a picture. There is no indication in Sisselman that the number of times a replay button is pressed is correlated to a particular image. Consequently, Sisselman fails to disclose the requirement of amended claim 51 for a buffer for receiving picture signals to have a capacity determined in response to a saliency signal. Because claim 51 is improperly rejected, the anticipation rejection of claims 52 and 53, which depend on claim 51, is improper.

The anticipation rejection of independent claim 54 inaccurately states that replay button 190 and fast-forward button 195 (that are identified as such in paragraph [0024] of Sisselman) generate a saliency signal. As pointed out with respect to claim 51, replay button 190 of Sisselman cannot be considered as generating a saliency signal. Further, there is no indication in Sisselman that a correlation exists between fast forwarding and a desire to see a particular image. The rejection is also improper because it does not indicate how control buttons 190 and 195 in combination produce a saliency signal. Because claim 54 is improperly rejected, the anticipation rejection of claims 55 and 56, which depend on claim 54, is improper.

Applicants traverse the rejection of independent claim 48 under 35 U.S.C. §103 (a) based on Sisselman and Fiore. This rejection improperly relies on replay button 190 and fast-forward button 195 of Sisselman to be generators of a saliency signal. The discussions of the rejections of independent claims 51 and 54 indicate why the rejection of claim 48 is erroneous.

The combination of references relied upon to reject independent claim 48 is improper. As the Office Action recognizes, Sisselman does not disclose the requirement of claim 48 for compression circuitry for compressing an image signal to an extent determined by a saliency signal. To cure this deficiency in Sisselman, the Office Action relies on Fiore. However, Fiore is concerned with a network 4 including server 20 responsive to external event source 8 that supplies a notification to the server that an

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external event of interest has occurred. Paragraph [0049] of Fiore indicates that source 8 provides the event signal to event interface 21 of server 20. Event interface 21 may be an external relay closure or applied voltage level that causes a serial port interrupt or cause serial, TCP/IP, or FTP protocols to be implemented that transfer additional data. The event signals may also be initiated manually by a user of data recording and playback systems or signal processor 10, to which server 20 is coupled via network 4.

Signal processor 10 of Fiore includes compressor 12 that is responsive to signal control 13 for setting the compression parameters for the compressor. Paragraph [0044] indicates compressor 12 compresses the input signal from monitoring device 6 by applying an appropriate compression algorithm to reduce the storage requirements for the input data signal from monitoring device 6. However, there is no indication in relied-upon Fiore paragraphs [0040]-[0041], [0044] and [0047]-[0051] that the compression introduced by compressor 12 on the output signal of monitor 6 is responsive to the output signal of external event source 8. Consequently, one of ordinary skill in the art would not have modified Sisselman as result of Fiore to arrive at the combination of claim 48.

The complex network system of Fiore is so different from the personal, hand-held video device of Sisselman that one of ordinary skill in the art who was interested in the Sisselman device would not have looked to the network system of Fiore. The proposed combination is a clear example of the impermissible practice of finding a primary reference and casting about to find unrelated art to fill a deficiency in the primary reference.

Because the rejection of claim 48 is improper, the rejection of claims 49 and 50, which depend on claim 48, is also improper.

Applicants also traverse the rejection of independent claim 57 under 35 U.S.C. §103(a) based on Sisselman and Fiore. Again, the Office Action relies on replay button 190 and fast-forward button 195 of Sisselman to be generators of a saliency signal. The discussions of the rejections against independent claims 51 and 54 indicate why the rejection of claim 57 is erroneous.

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The combination of references relied on to reject claim 57 is also improper. The Office Action admits Sisselman fails to disclose a memory for selectively retaining images associated with high saliency levels in preference to images with low saliency levels, but erroneously relies on the Fiore file system 17, event processor 16, circular storage buffer 15, and event source 8, as well as Fiore paragraphs [0047] and [0048] to disclose these features. The only relevant portion of paragraphs [0047] and [0048] is the last sentence of the paragraph [0048], which indicates event processor 16 marks input signal data being stored in buffer 15 when an event occurs, to flag the location in the buffer of an occurrence of an external event, to mark the input signal data being provided by event processor 16. Such flagging is not the same as selectively retaining images associated with high saliency levels in preference images with low saliency levels. Consequently, neither reference discloses the foregoing feature of claim 57.

The combination of Sisselman and Fiore to reject claim 57 is also improper because, as pointed out with respect to the rejection of claim 48, the references are so different from each other.

Because the rejection of claim 57 is improper, the rejection of claims 58 and 59, which depend on claim 57, is also erroneous.

Allowance is in order.

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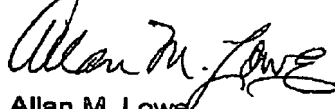To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize he Commissioner to charge any required fee not otherwise provided for, including application processing, extension, and extra claims fees, to Deposit Account 08-2025.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

Maurizio PILU et al.

Allan M. Lowe
Registration No. 19,641

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400
Telephone: 703-684-1111
Facsimile: 970-898-0640
AML:pcf

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